IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22335 of 2007(H)

PETITIONER:

RAMACHANDRA VARRIER P.V.,
"ADICHUTHALI KAZHAKAM"
THRIPRANGODU DEVASWOM, PADIKKAL VARIAM,
P.O., THRIPRANGODU,MALAPPURAM DISTRICT.

BY ADV. SRI.M.G.ASHOKAN
SRI.K.SANEESH KUMAR

RESPONDENTS:

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1. THE COMMISSIONER, HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT, CIVIL STATION, KOZHIKODE.

2. ZAMORIN RAJA OF CALICUT, TRUSTEE, THRIPRANGODE DEVASWOM, P.O.,CHALAPPURAM, CALICUT.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 22335 OF 2007-H

JUDGMENT

The petitioner is a Kazhakam attached to Thriprangodu Devaswom, managed by the 2nd respondent Trustee. The said Trustee issued Ext.P1 order, assigning certain new duties to the petitioner and two others. Aggrieved by that order, the petitioner has preferred Ext.P2 revision before the 1st respondent. During the pendency of the revision, now the 2nd respondent has issued Ext.P3 charge memo dated 8.1.2007, proposing to take disciplinary action for disobeying Ext.P1 order. So, this writ petition is filed, seeking the following reliefs.

> "(i) quash Ext.P3 charge memo by way of a writ of certiorari or such other writs or directions;
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> (ii) quash Ext.P1 order by way of a writ of certiorari or such other writs or directions;
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> (iii) direct the 1st respondent to consider Ext.P2 revision after affording all opportunities to the petitioner and decide according to the law by way of a writ of mandamus or such other writs or directions;
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> (iv) direct the 2nd respondent not to take up or proceed with any disciplinary action against the petitioner pursuant to Ext.P3 charge memo which is issued in respect of Ext.P1 order, till it becomes final, by

way of a writ of mandamus or such other writs or directions."

2. The challenge against Ext.P1 is not maintainable, since Ext.P2 statutory revision filed by the petitioner is already pending against it. The petitioner admit that initially, in the revision, there was stay against Ext.P1, but the same was vacated in May, 2005 itself. Therefore, I find nothing illegal, if the 1st respondent insists that the petitioner must obey Ext.P1 and on his failure, decides to take disciplinary action. So, the challenge against Ext.P3 cannot be entertained. But, if Ext.P2 revision is not, so far, disposed of, the 1st respondent will try to expedite the hearing of the same and pass final orders thereon expeditiously.

The Writ Petition is disposed of as above.

20th July, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/